

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

BYRON A. MOYER,

Plaintiff,

V.

ROBERT HOFFERT, ET AL.,

Defendants.

Case No. 7:20CV00546

OPINION

By: James P. Jones
United States District Judge

Byron A. Moyer, Pro Se Plaintiff.

The plaintiff, Byron A. Moyer, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 in September 2020, alleging that he received inadequate medical care while confined. Moyer notified the court on October 5, 2020, that he had been released from jail. Therefore, Moyer is no longer subject to the provisions of the Prisoner Litigation Reform Act that allowed him to pay the \$350 filing fee via installments withheld from his inmate trust account, as he had previously consented to do. A court order entered on October 6, 2020, directed Moyer to submit, within ten days from that date, the filing fee owed and the applicable administrative fee, a total of \$400, or to otherwise respond to the court. Moyer was advised that a failure to comply within the time limits set out in the order would result in dismissal of this action without prejudice.

The time allotted for Moyer to pay the filing costs or to otherwise respond has passed, and he has failed to do so. Accordingly, I will dismiss the action without prejudice.

A separate Final Order will be entered herewith.

DATED: October 20, 2020

/s/ James P. Jones
United States District Judge